

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

CIVIL APPLICATION NO. 3393 OF 2007
IN
FIRST APPEAL NO. 666 OF 2001

ANANT SHANKAR MASKE & ORS.
V/S.
TUKARAM D. PATIL & ORS.

...APPLICANT
...RESPONDENTS

Mr. S.G.Surana for the Applicant

Mr.P.G.Lad for Respondent no.1
Mr. S.N.Gawade, AGP for State.

CORAM : ANOOP V. MOHTA,J.
DATED : 24th September, 2007

P.C.

On 29-10-2004 this Court while passing the conditional order to comply with the office objection

(a) civil application for condonation of delay of 154 days in filing certified copy.

(b) the claim of court fee and jurisdiction are stated but differ from Lower Court.

2. The present civil application has been filed thereafter for setting aside the said conditional order by this application dated 3-7-2007 and also the civil application no. 3392 of 2007 for condonation of delay in filing the certified copy of decree as objected by the office as recorded prior to the conditional order in question. In the present case the conditional order

dated 29-10-2004 was not passed exparte. The parties were aware of the said conditional order. Therefore, after going through the averments made in the present application and as rightly contended by the learned Counsel appearing for the Respondents that there is no explanation whatsoever coming forward to justify the delay in filing the present application inspite of knowledge of the order dated 29-10-2004.

3. I am also convinced that there is no reason whatsoever on record to justify this delay.

4. In view of this I am of the view that there is no case made out by the appellant to restore the present first appeal. Resultantly, civil application no. 3393/2007 is dismissed.

5. This Court has granted status-quo on 28-8-2007 which has been in force since then. In view of dismissal of this application, learned Counsel appearing for the Appellant requested to extend the status-quo for eight weeks. The status-quo as granted shall continue for eight weeks.

[ANOOP V. MOHTA,J.]